

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BENZOR SHEM VIDAL,

Plaintiff,

v.

ADVANCED CARE STAFFING, LLC,

Defendant.

Civ. Action No.: 22-cv-5535 (NM)(MMH)

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that upon the January 20, 2023 Declaration of David H. Seligman and the exhibits attached thereto, the accompanying Memorandum of Law, and all other pleadings and filings in this action, Plaintiff Benzor Shem Vidal, by and through his undersigned counsel, hereby moves this Court, before the Honorable Nina Morrison, United States District Judge for the Eastern District of New York, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, at a date and time to be determined by the Court, for an order preliminarily enjoining further proceedings in the arbitration brought by Defendant against Plaintiff before the American Arbitration Association, captioned *ACS, LLC v. Benzor Vidal*, AAA Case Number: 01-22-0002-9008, until this Court can determine whether the arbitration provision in this case contains a clear and unmistakable delegation clause, and whether that clause is valid and enforceable.

Dated: January 20, 2023

/s/

David H. Seligman

TOWARDS JUSTICE

David H. Seligman (*pro hac vice*)

Juno Turner

Valerie Collins (*pro hac vice*)

P.O. Box 371689, PMB 44465

Denver, CO 80237-5680
(720) 441-2236
juno@towardsjustice.org
david@towardsjustice.org
valerie@towardsjustice.org

KAKALEC LAW PLLC

Hugh Baran (he/him)
Patricia Kakalec (she/her)
195 Montague Street, 14th Floor
Brooklyn, NY 11201
(212) 705-8730
Hugh@KakalecLaw.com
Patricia@KakalecLaw.com

NICHOLS KASTER, PLLP

Anna P. Prakash, MN Bar No. 0351362
(*pro hac vice*)
4700 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 256-3200
Facsimile: (612) 215-6870
aprakash@nka.com

NICHOLS KASTER, LLP

Matthew C. Helland, CA Bar No. 250451
(*pro hac vice*)
235 Montgomery St., Suite 810
San Francisco, CA 94104
Telephone: (415) 277-7235
Facsimile: (415) 277-7238
helland@nka.com

Attorneys for Plaintiff